



March 29, 2019

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VIA ECF

Hon. George B. Daniels
United States District Judge
500 Pearl Street, room 1310
New York, NY 10007

SO ORDERED
The initial conference is adjourned to May 29, 2019 at 9:45 a.m. and the subsequent conference is adjourned to July 31, 2019 at 9:45 a.m.
George B. Daniels
HON. GEORGE B. DANIELS

Re: *Annemarie Rivas v. The Chase Manhattan Bank et ano.*
Docket No.: 19-cv-00101 (GBD)
Letter Content: Joint Request for Adjournment of Initial Pretrial Conference
Our File No.: 19881.00089

Your Honor:

Our office represents defendant, JPMorgan Chase Bank, N.A., incorrectly sued as “The Chase Manhattan Bank.” (hereafter, “Chase”) We submit this letter, jointly, to request an adjournment of the initial pretrial conference, currently scheduled for April 10, 2019 at 9:30 a.m., as preliminary written discovery has revealed that a necessary party must be added to the action.

By way of brief background, plaintiff alleges that she was struck by ice that fell from a building located at One Chase Manhattan Plaza/28 Liberty Street (the “Building”) back in 2017. The parties to the action have been engaging in written discovery and, in our office’s efforts to obtain documentation related to the premises where plaintiff’s incident allegedly occurred, we learned that our client sold the premises to an entity that is *not* currently a party before the subject incident (in 2013). Thus, the owner of the Building on the accident date is not a party to the action and needs to be. Plaintiff contends that the owner had a non-delegable duty to maintain its premises on the date of the alleged incident, and was responsible for snow/ice removal at the subject premises.

In accordance with the January 7, 2019 Initial Pre-Trial Conference Order, the parties all participated in a telephone conference call on March 27, 2019 and discussed this development, including the likelihood that plaintiff will seek to add the owner, and potentially the owner’s the managing agent, to this case. Furthermore, in light of evidence that Chase did not own the Building on the accident date, defendants maintain that they could not be responsible for snow/ice removal at the subject premises on the alleged date of incident and are not proper parties to this action. However, understandably, plaintiff’s counsel has declined to consider a discontinuance as to Chase and

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defendant JLL until the owner has been joined as a party to the action.

Given the above, in the interests of judicial economy, counsel for all parties jointly request an adjournment of the April 10, 2019 conference to May 29, 2019 at a time convenient for the Court, or another date convenient for the Court. During this time, plaintiff's counsel plans to add the necessary party(ies) and the hope is that it/they answer, or at least appear, by the new conference date. There have been no previous requests for an adjournment.

If the Court is inclined to grant the instant request for an adjournment, it is respectfully submitted that the conference currently scheduled for June 19, 2019 also be adjourned to July 29, 2019 at a time convenient for the Court, or another date convenient to the Court.

This letter is submitted with the consent and agreement of all parties.

Please do not hesitate to contact us with any questions that you may have.

Respectfully submitted,

Wilson Elser Moskowitz Edelman & Dicker LLP



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cc:

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